

**ENTERED**

November 06, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

0.730 ACRES OF LAND, more or less,  
IN STARR COUNTY, TEXAS, et al.,

Defendants.

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CIVIL ACTION NO. 7:20-CV-00255

**ORDER**

The Court now considers the unilateral discovery/case management plan<sup>1</sup> filed by the United States of America in preparation for the parties' November 10, 2020, initial pretrial and scheduling conference. Therein, the United States repeatedly "requests a status conference in 60 days in lieu of a Scheduling Order to allow time for the Defendants to hire legal counsel and respond."<sup>2</sup>

This case was commenced on September 11, 2020,<sup>3</sup> and has been pending for almost sixty days. Further, negotiations regarding this land condemnation have been ongoing since July 2020 and United States representatives repeatedly discussed the priority of making progress in this case with various Defendants in October 2020.<sup>4</sup>

Though the United States has been in regular contact with a number of Defendants,<sup>5</sup> it has failed to provide proof of service of any Defendants in this case as required by Federal Rule of Civil Procedure (Rule) 71.1(d)(3). The United States asserts that this case is related to Case No.

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<sup>1</sup> Dkt. No. 6.

<sup>2</sup> *Id.* at 2, ¶ 10.A.

<sup>3</sup> Dkt. No. 1.

<sup>4</sup> *Id.* at 4–6, ¶ 15.

<sup>5</sup> *Id.*

7:20-cv-268 “because they are both condemnation cases in the same area and most of the landowners, if not all, are also involve in this case.” However, this does not absolve the United States of the requirements of Rule 71.1. The United States had nearly two months to serve and confer with Defendants prior to the initial pretrial and scheduling conference. Despite this, the United States has not served Defendants and as a result, Defendants have not appeared or secured counsel in order to timely confer with the United States and file a proper joint discovery/case management plan. The Court agrees with the United States that a Scheduling Order would be premature in this case but notes that this circumstance is a direct result of the United States’ lack of diligence.

Accordingly, the Court **ORDERS** the United States to provide proof of service of all Defendants to the Court or provide good cause for its failure to do so by **Friday, November 27, 2020**. Given that the parties have yet to properly confer and Defendants need time to secure counsel, the Court hereby **CONTINUES** the parties’ November 10, 2020 initial pretrial and scheduling conference to **Tuesday, January 12, 2021 at 9:00 a.m.** The Court further **ORDERS** the parties to confer and file a *joint* discovery/case management plan in preparation for the conference by **January 4, 2021**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 6th day of November 2020.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez  
United States District Judge